IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 162 OF 1993

The Commissioner of Income Tax, Bombay .. Applicant
V/s.
M/s. Polyolefine Industries Ltd., Bombay .. Respondent

Mr. R.V. Desai with Ms. S.V. Bharucha and Mr. R. Ashokan for the Applicant
None present for the Respondent

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 22.02.2005

P.C.:-

1. Heard the learned counsel for the Applicant. In the above, only the question No. 1 has been referred, which reads as under:-

> 1. Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding the decision of the Commissioner of Income-tax (Appeals) holding that the provisions of sec. 40(c) of the Income-tax Act will apply for the purpose of disallowance out of salary and perquisites of employee-directors?

2. The learned counsel for the Applicant states that the the decision in **CIT v. Hico Products Pvt. Ltd. 2001 ITR 567 (Bom.)**, covers the above question. Hence, the question is answered in the affirmative, in in favour of the assessee and against the Revenue.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)